

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

AMARTE USA HOLDINGS, INC., a  
Delaware Corporation,

Plaintiff,

v.

BERGDORF GOODMAN LLC, a Delaware  
Limited Liability Company, T.J. MAXX,  
Inc., a Massachusetts Corporation,  
MARSHALLS OF MA, INC., a  
Massachusetts Corporation, YNAP  
CORPORATION, a Delaware Corporation,  
PENNEY OPCO LLC, a Virginia Limited  
Liability Company, and PERSONALIZED  
BEAUTY DISCOVERY, INC., a Delaware  
Corporation,

Defendants.

Case No.: 1:24-cv-00883-AS

**DEFENDANTS' RULE 12(b)(6) AND  
12(b)(2) NOTICE OF MOTION TO  
DISMISS PLAINTIFF'S FIRST  
AMENDED COMPLAINT**

PLEASE TAKE NOTICE that on April 5, 2024, at 2:00 PM (ECF No. 53) before the Honorable Arun Subramanian, United States District Judge, Defendants Bergdorf Goodman LLC, TJ Maxx, Inc., Marshalls of MA, Inc., YNAP Corporation, Penney OpCo LLC, and Personalized Beauty Discovery, Inc. (collectively, "Defendants"), by and through their undersigned counsel, will move, pursuant to Rules 12(b)(6) and 12(b)(2) of the Federal Rule of Civil Procedure, for an order dismissing Plaintiff Amarte USA Holdings, Inc.'s First Amended Complaint and granting any such other relief as is just and appropriate, on the grounds set forth in its contemporaneously filed Memorandum in Support of this Motion.

Dated: March 15, 2024

Respectfully Submitted,

/s/ Thomas M. Williams

Robert E. Shapiro (NY Bar No. 5730528)

Thomas M. Williams (admitted *pro hac vice*)

\*Lead Trial Counsel

Connor T. Gants (admitted *pro hac vice*)

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***Attorneys for Defendants Bergdorf Goodman LLC,  
T.J. Maxx, Inc., Marshalls of MA, Inc., YNAP  
Corporation, Penney OpCo LLC, and Personalized  
Beauty Discovery, Inc.***

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, states that on March 15, 2024, he caused a copy of the foregoing **DEFENDANTS' RULE 12(B)(6) AND 12(B)(2) NOTICE OF MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT** to be served upon all counsel of record electronically by ECF filing within the United States District Court, Southern District of New York.

Dated: March 15, 2024

/s/ Thomas M. Williams